

WEDNESDAY, APRIL 28, 1993

THIRTY-NINTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John Miller, Tusculum Church of Christ, Nashville, Tennessee.

Representative Clark led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Jackson: illness.

Representative Peroulas Draper: family illness.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

PRESENT IN CHAMBER

Representative(s) Napier was/were recorded as being present in the Chamber.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 27, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the **Regular Calendar** for **Wednesday, April 28, 1993**: House Bill(s) No(s). 965, 1319, 773, 1314, 108, 300, 1320, 433, 298 and 746.

The Committee set the following bills on the **Regular Calendar** for **Thursday, April 29, 1993**: House Bill(s) No(s). 1204, 252, 59, 1153, 503, 820, 827, 1165, 1181, 1182 and 626.

The Committee set the following bill(s) and/or resolution(s) on the **Regular Calendar** for **Monday, May 3, 1993**: House Bill(s) No(s) 447.

The Committee set the following bills on the **Regular Calendar** for **Wednesday, May 5, 1993**: House Bill(s) No(s). 346.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 3, 1993**: for adoption: House Resolution(s) No(s). 23, 29, 30, 31, 32, 33, 34 and 35.

REPORTS FROM STANDING COMMITTEES

The committees that met on **Tuesday, April 27, 1993**, reported the following:

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 1117; also, House Bill(s) No(s). 1332 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

We further report that the following was/were considered but failed to pass: House Bill(s) No(s). 1018.

EDUCATION

The Education Committee recommended for concurrence: Senate Joint Resolution(s) No(s). 144 and 145 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 263 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage:

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

House Bill(s) No(s). 1468, 1281, 210, 735 and 1254 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 780; House Bill(s) No(s). 1067, 920, 1552, 1367 and 589 with amendment(s); for adoption: House Joint Resolution(s) No(s). 127; also, House Joint Resolution(s) No(s). 44 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1457; also, House Bill(s) No(s). 1180 and 325 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 888, 532 and 470 with amendment(s); for adoption: House Joint Resolution(s) No(s). 200, 156, 193 and 242; House Joint Resolution(s) No(s). 187 with amendment(s); also, for concurrence: Senate Joint Resolution(s) No(s). 65. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 919, 463, 268 and 70 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

**ENROLLED BILLS
April 27, 1993**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 387, 406, 805, 841, 1429, 1456 and 1520; House Joint Resolution(s) No(s). 1 and 81; also, House Resolution(s) No(s). 16.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
April 27, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 387, 406, 805, 841, 1429, 1456 and 1520; House Joint Resolution(s) No(s). 1 and 81; also, House Resolution(s) No(s). 16.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 28, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the **Regular Calendar** for **Monday, May 3, 1993**: House Bill(s) No(s). 1156, 931 and 1163; Senate Joint Resolution(s) No(s). 80 and 84; also, House Joint Resolution(s) No(s). 136 and 137.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, May 3, 1993**: House Joint Resolution(s) No(s). 109; also, House Resolution(s) No(s). 28.

SIGNED
April 28, 1993

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 111.

REPORTS FROM STANDING COMMITTEES

The committees that met on **Wednesday, April 28, 1993**, reported the following:

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 362, 1437 and 454 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 751 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 1372 and 529; House Bill(s) No(s). 107, 1253, 835, 1159, 832 and 158 with amendment(s); also, for adoption: House Joint Resolution(s) No(s). 84. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1057, 1378, 507, 1578 and 1250 with amendment(s). Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Owenby moved that the rules be suspended for the purpose of introducing **House Resolution No. 46** out of order, which motion prevailed.

House Resolution No. 0046 -- Memorials, Professional Achievement -- Jim Kirk, 1993 Tennessee Teacher of the Year. by *Owenby, *Anderson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Owenby, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on **House Resolution No. 46** and have this statement entered in the Journal: Rep(s). Coffey.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 247 out of order, which motion prevailed.

House Joint Resolution No. 0247 -- Memorials, Sports -- Kelvin Allen, Memphis State University basketball star. by *Jones R.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 248 out of order, which motion prevailed.

House Joint Resolution No. 0248 -- Memorials, Sports -- Anthony Douglas, Memphis State University basketball star. by *Jones R.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. R. Jones moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 249 out of order, which motion prevailed.

House Joint Resolution No. 0249 -- Memorials, Sports -- Billy Smith, Memphis State University basketball star. by *Jones R.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. R. Jones, the resolution was adopted.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, April 29, 1993:

House Resolution No. 0047 -- Memorials, Interns -- Chad Emerson. by *Buck, *Clark, *Fisher, *Stamps, *Williams K, *Thompson, *Hargrove, *Purcell, *Chumney, *Herron.

House Resolution No. 0048 -- Memorials, Public Service -- William Fred Durham. by *Wix.

House Resolution No. 0049 -- Memorials, Public Service -- Dorothy "Dotty" Grace Ventress Durham. by *Wix.

House Joint Resolution No. 0246 -- Memorials, Academic Achievement -- Collierville Schools, Odyssey of the Mind. by *Haley, *Shirley.

House Joint Resolution No. 0250 -- Memorials, Professional Achievement -- Don Loftis, Outstanding Superintendent for 1993. by *Stulce, *Wood, *McAfee, *Owenby, *Brown, *Turner B.

House Joint Resolution No. 0251 -- Memorials, Professional Achievement -- Alice Dollar, recipient of 1992-1993 Presidential Award for Excellence in Science and Mathematics Teaching. by *Boyer.

House Joint Resolution No. 0252 -- Memorials, Recognition and Thanks -- Henry Ragan. by *Jackson.

House Joint Resolution No. 0255 -- Memorials, Recognition and Thanks -- Alissa Denise Allen. by *Byrd.

House Joint Resolution No. 0256 -- Memorials, Personal Occasion -- Rev. and Mrs. S. M. Shaw, 50th wedding anniversary. by *Windle.

House Joint Resolution No. 0257 -- Memorials, Sports -- 1992-1993 Clarkrange High School girls' basketball team. by *Windle.

House Joint Resolution No. 0259 -- Memorials, Professional Achievement -- Newport Plain Talk, TEA School Bell Award. by *Davis Ronnie.

House Joint Resolution No. 0266 -- Memorials, Death -- Thomas Mitchell "Tommy" Givens, Rogersville. by *Purcell, *Naifeh, *Ridgeway, *Rinks, *Rigsby, *Bell.

House Joint Resolution No. 0267 -- Memorials, Sports -- 1992-1993 Science High School boys' basketball team. by *Whitson, *Allen.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1654 -- Millington -- Revises jurisdiction of city judge. Chapter 238. Acts of 1903, as amended. by *Haley.

House Bill No. 1655 -- School Districts, Special -- Authorizes Gibson Special School District to issue and sell bonds not to exceed \$975,000. Amends Chapter 62. Private Acts of 1981. by *Phelan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 0205 -- Smoking -- Prohibits smoking in elementary and secondary school buildings. Amends TCA, Title 49, Ch. 50. (*HB 0125).

***Senate Bill No. 0675** -- Public Defenders -- Changes written notice requirement for meetings of district public defenders conference from ten to 20 days. Amends TCA, Title 8, Ch. 14; Title 16, Ch. 2. (HB 0983).

***Senate Bill No. 0950** -- Taxes, Real Property -- Requires interest to be paid by taxpayer under certain circumstances. Amends TCA, Title 67. (HB 1570).

***Senate Bill No. 1242** -- Education -- Requires two-thirds vote of county legislative body for approval of members elected to local board of education. Amends TCA 49-2-201. (HB 1193).

***Senate Bill No. 1447** -- Hospitals and Health Care Facilities -- Requires mandatory hepatitis B and HIV testing of blood of health facility patient if employee, student or other health care provider exposed to patient's blood or body fluids. Amends TCA, Title 68, Ch. 11, Pt. 2. (HB 1447).

***Senate Bill No. 1472** -- Handicapped Persons -- Requires applicant for temporary or permanent handicapped driver or passenger permit to furnish physician statement that applicant is unable to walk distance of 200 feet or that such activity would be hazardous to applicant's health. Amends TCA, Title 55, Ch. 21. (HB 1416).

CONSENT CALENDAR

House Resolution No. 0044 -- Memorials, Heroism -- Al Walker.

House Resolution No. 0045 -- Memorials, Recognition and Thanks -- Dr. Don Lambert, Chairman of Department of Education, Austin Peay

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

State University.

House Joint Resolution No. 0239 -- Memorials, Interns -- Tammy Floyd.

House Joint Resolution No. 0240 -- Memorials, Interns -- Karen Willis.

House Joint Resolution No. 0243 -- Memorials, Interns -- Roger Brown.

House Joint Resolution No. 0244 -- Memorials, Sports -- 1992-1993 Livingston High School girls' basketball team, TSAA Class AA runner-up.

Senate Joint Resolution No. 0171 -- Memorials, Professional Achievement -- Opal N. Shearron, Cheatham County Teacher of the Year.

Senate Joint Resolution No. 0195 -- Memorials, Death -- Joy Baker.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltaman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1100** -- Wildlife Resources Commission -- Authorizes wildlife resources commission to establish permit requirement for spraying herbicides on waters of state. Amends TCA, Titles 69, 70.

Further consideration of House Bill No. 1100, previously considered on April 5, 7 and 14, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. Cross moved that House Bill No. 1100 be passed on third and final consideration.

Rep. Haley moved to adopt Amendment No. 1, seconded by Rep. Cross, as follows:

Amendment No. 1

Amend House Bill No. 1100 by adding the following language at the end of Section 1:

Provided, however, nothing in this section shall affect nor apply to any person actively engaged in farming or other agricultural activities. the state department of transportation, or any county or municipal government using pesticides pursuant to the provisions of, or rules and regulations promulgated by the commissioner of agriculture relative to, Section 62-21-118(b) or Section 43-8-115 for a vegetation control program on rights of ways along public roads and highways.

On motion, Amendment No. 1 was adopted.

Rep. Cross moved that **House Bill No. 1100**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	4
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell,

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Gunnels, Haley, Shirley, Stockburger -- 4.

Representatives present and not voting were: Whitson -- 1.

A motion to reconsider was tabled.

House Bill No. 1507 -- Education, Higher -- Authorizes 25 percent reduction in tuition at any state operated area technical vocational school or institution of higher learning for children whose parent is retired state employee. Amends TCA 8-50-115.

Further consideration of House Bill No. 1507, previously considered on April 7 and 14, 1993, at which time it was reset to the Calendar for April 28, 1993.

On motion, House Bill No. 1507 was made to conform with **Senate Bill No. 475**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that **Senate Bill No. 475** be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Tindell moved that **Senate Bill No. 475** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	10

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Allen, Bragg, Gunnels, Haley, Head, Liles, Meyer, Ramsey, Shirley, Stockburger -- 10.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

A motion to reconsider was tabled.

***Senate Bill No. 0667 -- Licenses --** Revises licensure provisions of alarm systems contractors. Amends TCA, Title 62, Ch. 32, Pt. 3.

Further consideration of Senate Bill No. 667, previously considered on April 19, 1993, at which time it was substituted for House Bill No. 426, Amendment No. 1 was withdrawn, and the bill was reset to the Calendar for April 28, 1993.

Rep. Collier moved that **Senate Bill No. 667** be passed on third and final consideration.

Rep. Collier requested that Senate Bill No. 667 be moved down ten places on the Calendar.

House Bill No. 0502 -- Sunshine Law -- Makes general assembly political selection of nominees for constitutional offices subject to Open Meetings Act. Amends TCA, Title 8, Ch. 44.

Further consideration of House Bill No. 502, previously considered on April 19, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. Buck moved that House Bill No. 502 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

House Bill No. 1141 -- Motor Vehicles -- Requires \$25,000 bond for car dealers as condition of licensure and license renewal. Amends TCA 55-17-111.

On motion, House Bill No. 1141 was made to conform with **Senate Bill No. 392**; the Senate Bill was substituted for the House Bill.

Rep. West moved that **Senate Bill No. 392** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2, seconded by Rep. West, as follows:

Amendment No. 2

Amend Senate Bill No. 392 by adding at the end of Section 2 the following:

To first implement this act, each applicant for a motor vehicle dealer license or renewal of such license expiring on August 31, 1993, has until September 30, 1993,

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

to fulfill the requirements of this act.

On motion, Amendment No. 2 was adopted.

Rep. West moved that **Senate Bill No. 392**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	64
Noes.	24
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Dyer), Crain, Cross, Davidson, Dixon, Duer, Fowlkes, Haley, Halteman Harwell, Hassell, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, Miller, Mires, Moore, Napier, Odom, Owenby, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Bell, Boyer, Coffey, Cole (Carter), Ferguson, Fisher, Garrett, Givens, Gunnels, Head, Herron, Lewis, McDaniel, McKee, Meyer, Phelan, Phillips, Ramsey, Rigsby, Rinks, Stockburger, Walley, Windle, Winningham -- 24.

Representatives present and not voting were: Hargrove, Ritchie, Williams (Union) -- 3.

A motion to reconsider was tabled.

House Bill No. 0978 -- Insurance Companies, Agents, Brokers -- Prohibits insurer from amending or changing classification or rates of commercial insurance after expiration or renewal date of policy without written consent of policyholder. Amends TCA 56-8-104.

Further consideration of House Bill No. 978, previously considered on April 19 and 22, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. West moved that House Bill No. 978 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1, seconded by Rep. West, as follows:

Amendment No. 1

Amend House Bill No. 978 by deleting from the amendatory language of Section 1 the following:

With respect to commercial insurance, no insurer shall amend or change a classification or rates after the expiration or renewal date of a policy of insurance without the written consent of the policy holder.

and by substituting instead the following:

With respect to commercial risk insurance, making a change in the classification or rates more than one (1) year after the renewal or expiration date of that policy without the written consent of the insured. This provision shall not apply where the insured has failed to cooperate, given misleading information, or made material misrepresentations or omissions. Provided further, nothing herein shall prohibit an insurer from making such change where the policy specifically allows for such change.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 978**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

House Bill No. 1642 -- Germantown -- Removes runoff requirements for mayors and aldermen; lowers age requirement for office of mayor and aldermen from 30 to 25. Amends Chapter 87, Private Acts of 1985.

Further consideration of House Bill No. 1642, previously considered on April 26, 1993, at which time it was objected to on

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

the Consent Calendar and reset to the Regular Calendar for April 28, 1993.

Rep. Shirley moved that **House Bill No. 1642** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	60
Noes.	2
Present and not voting.	29

Representatives voting aye were: Allen, Anderson, Arriola, Bittle, Boyer, Bragg, Brown, Callicott, Chiles, Chumney, Clark, Coffey, Davidson, Davis, Dixon, Duer, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jones U (Shelby), Kent, Kernell, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Napier, Odom, Pruitt, Purcell, Ramsey, Rhinehart, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood -- 60.

Representatives voting no were: Herron, Mr. Speaker Naifeh -- 2.

Representatives present and not voting were: Armstrong, Bell, Brooks, Buck, Byrd, Cole (Carter), Cole (Dyer), Cross, Ferguson, Fisher, Johnson, Joyce, Kisber, Lewis, Mires, Moore, Owenby, Phelan, Phillips, Pinion, Ridgeway, Rigsby, Rinks, Ritchie, Thompson, Tindell, Turner (Hamilton), West, Williams (Union) -- 29.

A motion to reconsider was tabled.

House Bill No. 1548 -- Municipal Government -- Provides if municipality's wastewater system has been in operation less than three years or total equity is four times greater than debt, depreciation expense is not considered in determining operating deficit. Amends TCA 68-221-1010.

Further consideration of House Bill No. 1548, previously considered on April 26, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for April 28, 1993.

Rep. Bragg moved that House Bill No. 1548 be reset one week to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

***House Bill No. 0308 -- Consumer Protection --** Requires motor vehicle dealers to transfer or explain availability of certain warranties on used motor vehicles. Amends TCA, Title 55.

Further consideration of House Bill No. 308, previously considered on April 19 and 26, 1993, at which time Amendments Nos. 1

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

and 2 were adopted; a motion was made to adopt Amendment No. 3 and the bill was reset to the Calendar for April 28, 1993.

Rep. DeBerry moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Dixon moved that **House Bill No. 308**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0932 -- District Attorneys -- Adds additional assistant district attorney general position in eighth judicial district on July 1, 1993. Amends TCA 16-2-506.

Further consideration of House Bill No. 932, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. Winningham moved that House Bill No. 932 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 932 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

On motion, Amendment No. 1 was adopted.

Rep. Winningham moved that **House Bill No. 932**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 0933 -- District Attorneys -- Creates one additional position of criminal investigator for eighth judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

Further consideration of House Bill No. 933, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. Winningham moved that House Bill No. 933 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 933 by deleting from Section 10 the following amendatory language:

Unpaid wages, including wages represented by unrepresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one (1) year after becoming payable are presumed abandoned. Property described above, without

regard to any activity or inactivity within the past five (5) years, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take his property by intestate succession.

and by substituting instead the following:

Unpaid wages, including wages represented by unrepresented payroll checks, owing in the ordinary course of the holder's business which remain unclaimed by the owner for more than one (1) year after becoming payable are presumed abandoned. Property described above, without regard to any activity or inactivity within the past one (1) year, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take his property by will and no one to take his property by intestate succession.

by adding the following as a new Section 20 and by redesignating the existing sections accordingly:

Notwithstanding any other law to the contrary, all additional funds deposited to the health access incentive account pursuant to Tennessee Code Annotated, Section 66-29-151 in fiscal year 1993-94 as a result of this act shall constitute a part of the corpus of such account.

On motion, Amendment No. 1 was adopted.

Rep. Winningham moved that **House Bill No. 933**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
April 28, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 198; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0198 -- Memorials, Professional Achievement -- Jean Davis, R.N., UT College of Nursing 1993 Outstanding Alumna Award. by *Burks.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 253 out of order, which motion prevailed.

***House Joint Resolution No. 0253 --** Memorials, Government Officials -- Requests Tennessee Supreme Court to adopt disciplinary rules and ethical considerations relative to practice of attorneys attempting to solicit employment from persons who have recently been involved in accident. by *Purcell, *Hargrove, *Clark, *Herron, *Williams K, *Chumney, *Fisher.

The Speaker referred House Joint Resolution No. 253 to the Judiciary Committee.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 261 out of order, which motion prevailed.

***House Joint Resolution No. 0261 --** General Assembly, Confirmation of Appointment -- Martha Kindle, Tennessee Wildlife Resources Commission. by *Purcell, *Hillis, *Rhinehart, *Fisher, *Bittle.

The Speaker referred House Joint Resolution No. 261 to the Conservation and Environment Committee.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 262 out of order, which motion prevailed.

***House Joint Resolution No. 0262 --** General Assembly,

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Confirmation of Appointment -- Curtis King, Tennessee Wildlife Resources Commission. by *Purcell, *Hillis, *Phelan, *Kisber, *Bittle.

The Speaker referred House Joint Resolution No. 262 to the Conservation and Environment Committee.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 263 out of order, which motion prevailed.

***House Joint Resolution No. 0263 --** General Assembly, Confirmation of Appointment -- Stuart Wood, Tennessee Wildlife Resources Commission. by *Purcell, *Hillis, *Whitson, *Bittle, *Kisber.

The Speaker referred House Joint Resolution No. 263 to the Conservation and Environment Committee.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 264 out of order, which motion prevailed.

***House Joint Resolution No. 0264 --** General Assembly, Confirmation of Appointment -- Robert H. Sterchi, Tennessee Wildlife Resources Commission. by *Purcell, *Hillis, *Bittle.

The Speaker referred House Joint Resolution No. 264 to the Conservation and Environment Committee.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 254 out of order, which motion prevailed.

***House Joint Resolution No. 0254 --** General Assembly, Adjournment, Recess -- Provides for adjournment of 98th General Assembly on May 13, 1993. by *Purcell, *Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

REGULAR CALENDAR, CONTINUED

House Bill No. 0260 -- Corporations -- Revises municipal incorporation laws. Amends TCA, Title 6, Chs. 1, 18, 30.

Further consideration of House Bill No. 260, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

On motion, House Bill No. 260 was made to conform with **Senate Bill No. 377**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 377** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Rinks moved to adopt Amendment No. 2, seconded by Rep. Bragg, as follows:

Amendment No. 2

Amend Senate Bill No. 377 by adding the following language to the end of the Section of the bill which was inserted by Senate Amendment No. 3:

If litigation concerning the validity of a municipal charter is pending in either a trial or appellate court on the effective date of this act, then neither the provisions of this act nor Tennessee Code Annotated, Title 6, Chapter 51, shall be construed or applied in any manner which would prevent or restrict the territory described within such charter from once again incorporating as a municipality should such court rule against the validity of such charter.

On motion, Amendment No. 2 was adopted.

Rep. Callicott moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Callicott moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Callicott moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Bragg moved to adopt Amendment No. 6 as follows:

Amendment No. 6

Amend Senate Bill No. 377 in the amendatory language of SECTION 2, SECTION 6, and SECTION 7 by adding the following sentence at the end of the amendatory language in each Section:

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

"Existing municipality" and "existing municipality of one hundred thousand (100,000) or more in population" do not include any county with a metropolitan form of government with a population of one hundred thousand (100,000) or more according to the latest census certified by the state planning office.

On motion, Amendment No. 6 was adopted.

Rep. Bragg moved that Senate Bill No. 377, as amended, be reset one week to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

***Senate Bill No. 0667 -- Licenses --** Revises licensure provisions of alarm systems contractors. Amends TCA, Title 62, Ch. 32, Pt. 3.

Further consideration of Senate Bill No. 667, previously considered on today's Calendar.

Rep. Collier moved that Senate Bill No. 667 be reset one week to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

House Bill No. 0257 -- Vocational Training and Rehabilitation -- Exempts director of vocational rehabilitation from state purchasing procedures for purchases of equipment, supplies or goods and services, not to exceed \$250. Amends TCA, Title 49, Ch. 11.

Further consideration of House Bill No. 257, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

On motion, House Bill No. 257 was made to conform with **Senate Bill No. 165**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 165** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 165** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey,

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 0200** -- General Assembly -- Provides that estimated expenditures for general bill stated in fiscal note shall be presumed to be amount of first year's funding if bill is enacted. Amends TCA, Title 3.

Further consideration of House Bill No. 200, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

On motion, House Bill No. 200 was made to conform with **Senate Bill No. 303**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that **Senate Bill No. 303** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend Senate Bill No. 303 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 3-9-101(d), is amended by adding the following new subdivision:

The speaker of the senate may designate a member of the senate and the speaker of the house of representatives may designate a member of the house to serve as alternates to vote or otherwise act at council meetings in the absence of the respective speaker. A speaker participating in a council meeting through a designee shall be deemed present at such meeting for purposes of quorum requirements and voting.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved that **Senate Bill No. 303**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 0050** -- Consumer Protection -- Places certain requirements on consumer reporting agencies. Amends TCA, Title 47, Ch. 18.

Further consideration of House Bill No. 50, previously considered on April 26, 1993, at which time it was reset to the Calendar for April 28, 1993.

Rep. Pruitt moved that House Bill No. 50 be reset to the Calendar for Thursday, May 6, 1993, which motion prevailed.

House Bill No. 0965 -- Election Laws -- Establishes campaign contribution limits in state and local elections. Amends TCA, Title 2, Ch. 10.

Rep. Kisber moved that House Bill No. 965 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 965 by deleting Sections 1 through 4 and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following as a new part 3:

SECTION 2-10-301.

(a) This part shall be known and may be cited as the "Campaign Contribution Limits Act of 1993."

(b) The registry of election finance shall have the jurisdiction to administer and enforce the provisions of this part.

SECTION 2-10-302.

(a) No person shall make contributions to any candidate with respect to any election for state or local public office which, in the aggregate, exceed one thousand dollars (\$1,000) per election.

(b) No multicandidate political campaign committee shall make contributions to any candidate with respect to any election for state or local public office which, in the aggregate, exceed five thousand dollars (\$5,000) per election.

SECTION 2-10-303. For purposes of the limitations contained in this part:

(a) Contributions made to any political campaign committee authorized by a candidate to accept contributions on the candidate's behalf shall be considered to be contributions made to such candidate;

(b) Contributions made by a political campaign committee authorized by a candidate to make expenditures on the candidate's behalf shall be considered contributions made by such candidate;

(c) All contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the registry of election finance and to the intended recipient;

(d) All contributions made by affiliated political campaign committees shall be considered to have been made by a single committee; and

(e) Expenditures made by any person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, the candidate's political campaign committees, or their agents, shall be considered to be a contribution to such candidate.

For purposes of this subsection, the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, the candidate's political campaign committees, or their authorized agents shall be considered to be an expenditure.

SECTION 2-10-304.

(a) The limitations contained in this part shall not apply to any loan of money by a financial institution as defined in Section 45-10-102(3) that:

(b) Is made in accordance with applicable law and in the ordinary course of business;

(2) Is made on a basis reasonably designed to assure repayment, evidenced by a written instrument, and subject to a payment due date or amortization schedule; and

(3) Bears the usual and customary interest rate of the lending institution.

(b) An endorsement or guaranty of a loan made pursuant to subsection (a) shall be considered a contribution in the amount of the endorsement or guaranty and shall be subject to the limitations contained in this part. Where the written instrument does not specify the portion of the loan for which the endorser or guarantor is liable, each endorser or guarantor shall be considered to have made a contribution in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

SECTION 2-10-305. The limits contained in this part shall not apply to:

(a) The retention of funds by a candidate pursuant to Section 2-10-114(a)(1); and

(b) the transfer of funds by a candidate pursuant to Section 2-10-114(a)(1) to a campaign fund of the same candidate for election to a different state or local public office; or

(c) The transfer of funds by a candidate for election to a federal office to a campaign fund of the same candidate for election to a state or local public office.

SECTION 2-10-306.

(a) All contributions made by political campaign committees controlled by a political party on the national, state, or local level or by a caucus of such political party established by members of either house of the general assembly shall be considered to have been made by a single committee. Such contributions shall not, in the aggregate, exceed:

(1) Two hundred thousand dollars (\$200,000) to any candidate in a statewide election;

(2) Twenty thousand dollars (\$20,000) to any other candidate for state or local public office.

(b) For purposes of this section contributions shall not include:

(1) Payment of the costs of preparation, display or mailing or other distribution with respect to printed slate cards, sample ballots, palm cards, or other printed listings of three (3) or more candidates. This exemption shall not apply to costs incurred with respect to the preparation and display of listings made on broadcasting stations or in newspapers, magazines and similar types of general public political advertising such as billboards;

(2) Payment of the costs of voter registration and get-out-the-vote activities conducted by party committees, unless the payments are made on behalf of a clearly identified candidate and the payment can be directly attributed to that candidate;

(3) Expenditures for rent, personnel, overhead, general administrative, fundraising, and other day-to-day costs of party committees, unless the expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate; or

(4) Expenditures for education campaign seminars and for training of campaign workers, unless the expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

SECTION 2-10-307. No candidate or political campaign committee shall accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political campaign committee shall accept a contribution made for the benefit or use of a candidate, or make any expenditure on behalf of

a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

SECTION 2-10-308.

(a) The registry of election finance may impose a maximum civil penalty for a violation of this part of not more than ten thousand dollars (\$10,000) or fifteen percent (15%) of the amount of all contributions made or accepted in excess of the limitations established by this part, whichever is greater.

(b) Penalties imposed under this part shall be deposited into the state general fund.

(c) To request a waiver, reduction or to in any way contest a penalty imposed by the staff of the registry, a candidate shall file a petition with the registry. Such petition may be considered as a contested case proceeding under the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(d) If a civil penalty lawfully assessed against a candidate is not paid within thirty (30) days after the assessment becomes final, the candidate shall be ineligible to qualify for election to any state or local public office until such penalty is paid.

SECTION 2. Tennessee Code Annotated, Section 2-10-102, is amended by deleting the fifth word in the section, "part", and substituting in its place the word "chapter".

SECTION 3. Tennessee Code Annotated, Section 2-10-102, is amended by adding the following new subdivision to be appropriately designated:

() "Affiliated political campaign committees" means political campaign committees established, financed, maintained, or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons. Affiliated political campaign committees shall include all of the committees established, financed, maintained or controlled by:

(A) A single corporation and/or its subsidiaries;

(B) A single national or international union and/or its local unions or other

subordinate organizations:

(C) An organization of national or international unions and/or all its state and local central bodies;

(D) A membership organization, other than political party committees, including trade or professional associations and/or related state and local entities of that organization or group; or

(E) The same person or group of persons.

SECTION 4. Tennessee Code Annotated, Section 2-10-205, is amended by deleting the word "and" at the end of subsection (2), by deleting the period at the end of subsection (3) and substituting in its place the punctuation and word "; and", and by adding the following as a new subsection:

(4) The "Campaign Contribution Limits Law," compiled in part 3 of this chapter.

SECTION 5. Tennessee Code Annotated, Section 2-10-207(7), is amended by deleting the word "and" between the words "chapter 6" and the word "the" and by adding between the words "part 5" and the semicolon the words "and the Campaign Contribution Limits Act, compiled in part 3 of this chapter".

SECTION 6. Tennessee Code Annotated, Section 2-20-303(e), is amended by adding the following language at the end of the subsection:

Nothing in this subsection shall prohibit any organization as listed in Section 3, subdivisions (B), (C), and (D) of this act from using its funds to pay for mailings to its members in regard to political issues or candidates, and such funds shall not be expenditures under this subsection.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law. the public welfare requiring it.

Rep. Kisber moved to amend as follows:

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 965 by deleting Section 6 and substituting the following as a new Section 6:

SECTION 6. Tennessee Code Annotated, Section 2-10-303(e), is amended by adding the following language at the end of the subsection:

Nothing in the subsection shall prohibit any organization as listed in Section 3, subdivisions (B), (C), and (D) of this act from using its funds to pay for the dissemination, distribution or republication to its members of written campaign material prepared by the candidate or the candidate's political campaign committees, and such funds shall not be expenditures under this subsection.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Ritchie requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. Shirley moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 965 by adding before the severability section the following new section and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following new section:

(a) A candidate for the house of representatives in the general assembly may not expend more than twenty-five thousand dollars (\$25,000) per election.

(a) A candidate for the senate in the general assembly may not expend more than seventy-five thousand dollars (\$75,000) per election.

Rep. Kisber moved that Amendment No. 3 be tabled, which motion prevailed.

Rep. Callicott moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Ritchie moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 965 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 2, Chapter 10, is amended by adding the following new section:

(a) A legislator, or candidate for the legislature as defined in §2-10-102(2), either directly, through a campaign committee or other means, may not solicit or accept a campaign contribution or a promise or pledge to make a contribution from January 1 of each year until the earlier of:

(1) June 1 of that year; or

(2) the day immediately after the conclusion of the regular annual session.

(b)

(1) If a person raises funds during such period as a candidate for any office other than as a candidate for the legislature; and

(2) If such person becomes a candidate for the legislature for the next election following the period in which such funds were raised;

Then such person shall be prohibited from transferring these funds to the person's campaign fund for the legislature or in any way using these funds for such campaign.

(c) This prohibition does not apply during an extraordinary session called after the sine die adjournment of the general assembly.

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	62
Noes.	30
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Buck, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Hargrove, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell,

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Thompson, Tindell, Turner (Hamilton), West, Whitson, Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Boyer, Brown, Callicott, Coffey, Gunnels, Haley, Halteman Harwell, Hassell, Joyce, Liles, McDaniel, Odom, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Venable, Walley, Westmoreland, Williams (Shelby), Williams (Union), Windle, Wood -- 30.

Representatives present and not voting were: Givens, Turner (Shelby) -- 2.

Rep. Kisber moved that House Bill No. 965, as amended, be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed by the following vote:

Ayes.	81
Noes.	10
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stockburger, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 81.

Representatives voting no were: Brooks, Brown, Jones R (Shelby), Meyer, Shirley, Stamps, Thompson, Turner (Shelby), Williams (Shelby), Wood -- 10.

Representatives present and not voting were: Kernell -- 1.

Rep. Kisber moved that House Bill No. 965, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

House Bill No. 1319 -- Motor Vehicles -- Establishes safety inspection fee on freight motor vehicles with proceeds earmarked to PSC. Amends TCA, Title 55, Ch. 4. Pt. 1: Title 55, Ch. 6, Pt. 1, 65-15-107, 109, 113, 116.

Rep. Rhinehart moved that House Bill No. 1319 be reset to the Calendar for Monday, May 3, 1993, which motion prevailed.

House Bill No. 0773 -- Election Laws -- Authorizes census blocks to be split to establish precinct line if such splits are made pursuant to census bureau program and population allocations are reported to state. Amends TCA 2-3-102.

Rep. Ridgeway moved that House Bill No. 773 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	1
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Boyer -- 1.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Representatives present and not voting were: Haley, Stamps --
2.

A motion to reconsider was tabled.

House Bill No. 1314 -- Education -- Authorizes adjustment of Basic Education Program formula allocations for changes in student enrollment in certain fiscal years; authorizes expenditures for enrollment growth under BEP formula in certain fiscal years. Amends TCA 49-3-354.

Rep. Davidson moved that **House Bill No. 1314** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0108** -- Motor Vehicles, Titling and Registration -- Authorizes law enforcement personnel to impound vehicle located on private property if determined registration plate stolen, renewal decal stolen or certificate of title is fictitious or has been revoked. Amends TCA, Title 55, Ch. 5.

On motion, House Bill No. 108 was made to conform with **Senate Bill No. 202**: the Senate Bill was substituted for the House Bill.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Rep. Kent moved that **Senate Bill No. 202** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Kent moved that **Senate Bill No. 202** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	2
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Lewis, Turner (Shelby) -- 2.

Representatives present and not voting were: Armstrong, Miller -- 2.

A motion to reconsider was tabled.

House Bill No. 0300 -- Gambling -- Requires court to order destruction of forfeited gambling devices unless district attorney general petitions for and court grants alternate disposition for each device. Amends TCA 39-17-505.

On motion, House Bill No. 300 was made to conform with **Senate Bill No. 445**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 445** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved the previous question, which motion prevailed.

Rep. Wood moved that **Senate Bill No. 445** be passed on third and final consideration, which motion prevailed by the following vote:

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Ayes.	88
Noes.	3
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Jones U (Shelby), Pruitt, Turner (Shelby) -- 3.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

House Bill No. 1320 -- Motor Vehicles -- Expands PSC jurisdiction over farm motor vehicles to include vehicles subject to federal carrier safety regulations. Amends TCA 65-15-113.

On motion, House Bill No. 1320 was made to conform with **Senate Bill No. 637**; the Senate Bill was substituted for the House Bill.

Rep. Moore moved that **Senate Bill No. 637** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Moore moved that **Senate Bill No. 637** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	74
Noes.	20

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Fisher, Fowlkes, Givens, Gunnels, Haley, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Williams (Shelby), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Allen, Arriola, Boyer, Callicott, Chiles, Davidson, Duer, Ferguson, Halteman Harwell, Hargrove, Head, Meyer, Ramsey, Stamps, Stockburger, West, Westmoreland, Williams (Union), Windle, Winningham -- 20.

A motion to reconsider was tabled.

House Bill No. 0433 -- Game and Fish Laws -- Removes requirement that landowners, tenants and their children reside on such persons' property to authorize such persons to hunt and fish without license. Amends TCA 70-2-204.

On motion, House Bill No. 433 was made to conform with **Senate Bill No. 84**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 84** be passed on third and final consideration.

On motion, Rep. Hillis withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 84 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Implementation of the provisions of this act shall be subject to funding being provided in the general appropriations act.

On motion, Amendment No. 2 was adopted.

Rep. Davidson moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend Senate Bill No. 84 by adding at the end of the second sentence of the Section added by Senate Amendment No. 1 the following language:

or a partnership owned by blood relatives.

On motion, Amendment No. 3 was adopted by the following vote:

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Ayes.	74
Noes.	9

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Hassell, Head, Huskey, Johnson, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 74.

Representatives voting no were: Cross, Herron, Hillis, Joyce, McAfee, Phelan, Rinks, Severance, Westmoreland -- 9.

Rep. Rigsby moved that **Senate Bill No. 84**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	79
Noes.	16
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Lewis, Love, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Bittle, Fisher, Gunnels, Haley, Hillis, Joyce, Kernell, Knight, Liles, McAfee, McDaniel, Ramsey, Severance, Shirley, Westmoreland, Winningham -- 16.

Representatives present and not voting were: Bragg -- 1.

A motion to reconsider was tabled.

House Bill No. 0298 -- Trusts -- Makes only trust assets payable to defendant subject to execution. Amends TCA 26-4-101.

On motion, House Bill No. 298 was made to conform with **Senate Bill No. 139**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that **Senate Bill No. 139** be passed on third

and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Fowlkes moved that **Senate Bill No. 139** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 0746 -- Tort Liability -- Grants certain immunity and establishes privileged communications for lawyers assistance programs.

Rep. Buck moved that **House Bill No. 746** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	85
Noes.	6
Present and not voting.	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Representatives voting no were: Anderson, Chiles, Givens, Haley, Liles, Shirley -- 6.

Representatives present and not voting were: Brooks, Brown -- 2.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Joint Resolution No. 0017** -- General Assembly. Studies -- Creates commission to study adoption laws.

Rep Purcell moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Joint Resolution No. 17, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0381** -- Employees, Employers -- Creates board of employee assistance professionals certification and licensure; requires employee assistance professionals to be licensed. Amends TCA, Title 4. Ch. 29; Title 62.

Senate Amendment No. 5

Amend House Bill No. 381 by adding the following sentence at the end of the effective date section:

The provisions of this act shall not be required to be implemented until January 1, 1995 in any counties having a population of not less than one hundred forty thousand (140,000) nor more than one hundred forty-five thousand (145,000) according to the 1990 federal census or any subsequent federal census.

Senate Amendment No. 6

Amend House Bill No. 381 by adding:

The provisions of this act shall not prevent employee assistance professionals who provide employee assistance services to their company's employees from practicing those services.

Senate Amendment No. 7

AMEND House Bill No. 381 by deleting the following language from Section 11, as amended:

or provide employee assistance services as defined in Section 12 of this act

AND FURTHER AMEND by deleting the body of Senate Amendment No. 6 in its entirety and by substituting instead the following:

by adding the following as a new section to precede the effective date section:

SECTION _____. The provisions of this act shall not prevent anyone from providing employee assistance services as defined in Section 12 of this act.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 5, 6 and 7 to House Bill No. 381, which motion prevailed by the following vote:

Ayes.	86
Noes.	6
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Bittle, Chiles, Duer, Gunnels, McDaniel, Severance -- 6.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

House Bill No. 0530 -- Insurance, Life -- Requires 9 percent interest be paid on proceeds of life insurance policies and annuity or endowment contracts from date of death or maturity to date of payment. Amends TCA, Title 56, Ch. 7, Pt. 3.

Senate Amendment No. 3

Amend House Bill No. 530 by deleting from Section 1 of the printed bill the amendatory language in its entirety and by substituting therefor the following:

Section _____. An insurer of a life insurance policy or annuity issued for delivery in Tennessee, with respect to a claim for benefits by reason of the death of the insured or annuitant, shall pay interest from the tenth (10th) work day following the date on which the insurer receives a death certificate to the date of payment of the claim. The rate of interest payable shall not be less than the interest currently paid by the insurer with respect to proceeds left on deposit.

Rep. Stamps moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 530**, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***Senate Bill No. 0601** -- Labor -- Revises type of association representing certain education employees which may enter into agreements for payroll deduction without meeting certain criteria. Amends TCA 8-23-204.

Rep. U. Jones moved that Senate Bill No. 601 be reset one week to the Calendar for Wednesday, May 5, 1993, which motion prevailed.

***House Bill No. 1213** -- Physicians and Surgeons -- Prohibits physician self referral to entities, effective July 1, 1995, in which has interest and does not provide direct health care or

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

services; prohibits cross referral arrangements; authorizes imposition of civil penalties. Amends TCA, Title 63, Ch. 6.

Rep. Herron moved that House Bill No. 1213 be reset to the Calendar for Monday, May 5, 1993, which motion prevailed.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 281.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered concurrence in House Amendment No. 2, and nonconcurred in House Amendment No. 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 420; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1013; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 880; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

Bill(s) No(s). 1014; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, April 29, 1993:

House Bill No. 1013: Rep. Cole (Carter).

House Bill No. 1014: Rep. Cole (Carter).

House Bill No. 880: Rep. Purcell.

House Bill No. 420: Rep. Joyce.

Senate Bill No. 281: Rep. Kernell.

RULES SUSPENDED

Rep. Buck moved that **Rule No. 77** be suspended for the introduction and passage on first consideration of House Bill No. 1658, which motion prevailed.

***House Bill No. 1658 -- County Officers --** Authorizes constables in DeKalb County to carry handguns and equip vehicles with blue and red lights and sirens. Amends TCA, Title 8, Ch. 10; Title 39, Ch. 17; Title 55, Ch. 9. by *Buck.

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 265 out of order, which motion prevailed.

House Joint Resolution No. 0265 -- Memorials, Recognition and Thanks -- Yelena Khanga, African-Russian journalist and honorary Tennessee citizen. by *Brooks, *Jones U, *Thompson, *Jones R, *DeBerry, *Chumney, *Turner L, *Dixon, *Miller, *Kernell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, the resolution was adopted.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 198 out of order, which motion prevailed.

Senate Joint Resolution No. 0198 -- Memorials, Professional Achievement -- Jean Davis, R.N., UT College of Nursing 1993 Outstanding Alumna Award.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Joyce, **House Bill No. 419** was recalled from the State and Local Government Committee and withdrawn from the House.

HOUSE BILL RE-REFERRED

Rep. Kernell moved that House Bill No. 337, be re-referred to the Government Operations Committee, which motion prevailed.

RULES SUSPENDED

Rep. Kerneil moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bill No. 337 can be heard by the Government Operations Committee on Tuesday, May 4, 1993, which motion prevailed.

RULES SUSPENDED

Rep. DeBerry moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that study resolutions in the Calendar and Rules Committee can be heard by the Study Resolution Subcommittee of the Calendar and Rules Committee on Thursday, April 29, 1993, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 91: Rep(s). Dixon as prime sponsor(s).

House Bill No. 832: Rep(s). Clark, Hargrove, Purcell and Stamps as prime sponsor(s).

House Bill No. 835: Rep(s). Clark, Hargrove, Purcell and Stamps as prime sponsor(s).

House Bill No. 965: Rep(s). Boyer, Duer, Haun, Joyce, Knight, McDaniel, Stockburger, Walley, West, Williams (Union), Windle and Wood as prime sponsor(s).

House Bill No. 1100: Rep(s). Crain, Cross and Hillis as prime sponsor(s).

House Bill No. 1159: Rep(s). Buck, Cole (Carter) and Kent as prime sponsor(s).

House Bill No. 1507: Rep(s). Bittle as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Williams (Shelby) was/were removed as sponsor(s) of **House Bill No. 1059**.

MESSAGE FROM THE GOVERNOR

April 28, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 102, 116, 172, 408, 642, 655, 1011, 1094 and 1389, also, House Joint Resolution(s) No(s). 171, 172, 174, 175, 176, 177, 178, 179, 180, 181, 182, 186, 190, 192 and 213; with his approval.

DAVID H. WELLES, Counsel to the Governor.

ENGROSSED BILLS

April 28, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 308, 932, 933, 978, 1100 and 1642; also, House Joint Resolution(s) No(s). 239, 240, 243, 244, 247, 248, 249 and 254.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 657, 790 and 1371; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 100, 106 and 107; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 28, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 746, 773, 965 and 1314; also, House Joint Resolution(s) No(s). 265.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 62; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 47; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 354, 640, 991 and 1430; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 31 and 1343; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill No. 1202.

The Senate lifted the tabling motion, reconsidered passage of the bill; reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1; reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2; adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 175.

The Senate concurred in House Amendment(s) No(s). 1, 3 and 4, and nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 28, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 440, 697, 746, 787, 944, 981, 1143, 1288, 1358 and 1562; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 0440 -- Water Pollution and Water Resources -- Creates Gibson County Water Projects Authority. Amends TCA, Title 64, Ch. 1. by *McKnight.

*Senate Bill No. 0697 -- Taxes, Sales -- Exempts from sales tax the purchase of electricity used to generate radiant heat for production when sold to or used by manufacturers. Amends TCA 67-6-206. by *Rochelle, *Holcomb.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

***Senate Bill No. 0746 -- Education -- Establishes model laboratory school program. Amends TCA, Title 49. by *O'Brien.**

***Senate Bill No. 0787 -- Public Funds and Financing -- Creates State Office Buildings and Support Facilities Revolving Fund. Amends TCA, Title 9, Ch. 4. by *Crutchfield.**

***Senate Bill No. 0944 -- Bad Checks -- Makes payment of rent with worthless check subject to criminal bad check law. Amends TCA, Title 39, Ch. 14, Pt. 1. by *Person.**

***Senate Bill No. 0981 -- Health -- Includes Carroll and Weakley counties in pilot program to reimburse licensed residential homes for aged. Amends TCA 12-4-320. by *McKnight.**

Senate Bill No. 1143 -- Driver Licenses -- Increases fine for driving on revoked, suspended or cancelled driver license for first offense from \$500 to \$1,000 and for second and subsequent offenses from \$2,500 to \$5,000. Amends TCA, Title 55, Ch. 50. by *Jordan, *Gilbert, *Cohen, *Rochelle.

***Senate Bill No. 1288 -- Criminal Offenses -- Bars appeal of death sentence three years after trial court judgment. Amends TCA, Title 39, Ch. 13. by *Wright.**

***Senate Bill No. 1358 -- Commerce and Insurance, Dept. of -- Authorizes commissioner of commerce and insurance to determine whether various contracts, agreements and other arrangements constitute insurance pursuant to TCA Title 56. Amends TCA, Title 56. by *Hamilton, *Crowe, *McKnight, *McNally.**

Senate Bill No. 1562 -- Municipal Government -- Authorizes municipally owned electric systems to borrow money from federal REA to reloan funds to promote rural economic development. Amends TCA, Title 7, Chs. 34, 52. by *Cooper.

**MESSAGE FROM THE SENATE
April 28, 1993**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 245 and 265; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
April 28, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 387, 406, 805, 841, 1429, 1456 and 1520; also, House Joint Resolution(s) No(s). 1 and 81; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 482, 488, 653, 659, 664, 677, 718, 795, 831, 918, 959, 1118, 1218, 1224, 1255, 1261, 1363, 1410, 1498, 1542, 1547, 1619, 1631, 1635, 1636, 1637 and 1639; also, House Joint Resolution(s) No(s). 196, 197, 198, 199, 202, 203, 204, 207, 209, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235 and 238; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 619 and 998; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 68, 134, 375, 452, 482, 740, 959, 1037, 1205, 1240 and 1301; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 168, 169 and 170; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 53, 172, 173, 174, 176, 179, 180, 181, 182, 183, 184, 185 and 186; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, APRIL 28, 1993 -- THIRTY-NINTH LEGISLATIVE DAY

CONSENT CALENDAR

April 28, 1993

The following local bills have been placed on the Consent Calendar for **Monday, May 3, 1993**: House Bill(s) No(s). 1641 and 1647.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 29, 1993.